

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-003-0024

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (State) and moves the Court to vacate the Consent Order filed June 26, 2003 (Doc. No. 7172) in connection with defendant Leo E. Rodela (Defendant) and subfile CHTA-003-0024, and as grounds therefore Plaintiff states as follows:

1. The Consent Order filed June 26, 2003 in subfile CHTA-003-0024 did not correctly map the use of water on Defendant's property, or represent the actual agreement between the State and Defendant concerning the recognition of his water rights. The State has revised the mapping of the irrigated portions of Defendant's property, and Defendant has signed and approved a revised Consent Order in connection with subfile CHTA-003-0024.

2. The Consent Order filed June 26, 2003 (Doc. No. 7172) should be vacated.

3. Defendant Rodela has signed and approved a revised Consent Order to be filed with the Court.

4. Defendant supports the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed June 26, 2003 (Doc. No. 7172) in connection with defendant Leo E. Rodela and subfile CHTA-003-0024.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Vacate Consent Order was mailed to following this 7th day of March 2006:

Leo E. Rodela
P.O. Box 118
Tierra Amarilla, NM 87575

and transmitted by ACE filing to the following this 7th day of March 2006:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville